

Index File

Application No. UP-677-05

7-Eleven, Inc.

Application No. UP-677-05 is a request for a Special Use Permit to authorize a 2,807-square-foot convenience store with an 8-station gasoline pump facility at 3215 Big Bethel Road (Route 600) and 2117 Hampton Highway (Route 134).

The staff is recommending denial.

Attachments:

1. Staff report
2. Zoning map
3. Conceptual plan
4. Building and sign elevations (2 pages)
5. Correspondence from VDOT dated February 17, 2006
6. Proposed Resolution No. PC06-3

COUNTY OF YORK

MEMORANDUM

DATE: March 27, 2006 (PC Mtg. 4/12/06)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. UP-677-05, 7-Eleven, Inc.

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize a 2,807-square foot convenience store with an 8-station gasoline pump facility, located at 3215 Big Bethel Road (Route 600) and 2117 Hampton Highway (Route 134) in the northwest quadrant of the intersection of Hampton Highway and Big Bethel Road. The properties, identified as Assessor's Parcel Nos. 37-81 (Hampton Highway) and 37-90 (Big Bethel Road), are zoned GB (General Business) and are designated for Limited Business development in the Comprehensive Plan.

DESCRIPTION

- Property Owners: Charlotte E. Wormley Estate, c/o Ernestine Yancey (Parcel 37-81); Tessema Berga (Parcel 37-90)
- Location: 3215 Big Bethel Road (Route 600) & 2117 Hampton Highway (Route 134)
- Area: 1.39 acres
- Frontage: Approximately 250 feet on Hampton Hwy and 260 feet on Big Bethel Rd. The property is also bounded on the north by Swain Lane, which is a private 50-foot right-of-way that provides access to two (2) single family residences and to the Hope Holiness Church. Swain Lane is listed (Priority No. 16) on the Dirt Street Improvement Program Priority List established by Board of Supervisors' Policy No. BP94-05. The Dirt Street Improvement Program facilitates improvement of private rights-of-way to a condition that will allow acceptance by VDOT into the State Secondary Road System.
- Utilities: The property is currently served by public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: Limited Business
- Zoning Classification: GB – General Business
- Existing Development: Single-family detached dwelling

- Surrounding Development:

North: Single-family detached dwellings beyond Swain Lane
East: Single-family detached dwellings across Big Bethel Road
South: Single-family detached dwellings across Hampton Highway, Exxon station
on opposite quadrant of intersection
West: Single-family detached dwelling

- Proposed Development: 2,807-square foot convenience store with gasoline pumps

CONSIDERATIONS/CONCLUSIONS

1. The applicant proposes to locate a convenience store and 8-station gasoline pump facility on two combined parcels on the northwest corner of Hampton Highway and Big Bethel Road. Proposed access would be via both Hampton Highway and Big Bethel Road.
2. Land use in the vicinity of the property is single-family detached residential, with the exception of the Exxon gasoline station located on the southeast corner of the Big Bethel/Hampton Highway intersection. The closest dwelling to the subject property is located approximately 45 feet from the western property line of parcel 37-81. Distances to other dwellings in the vicinity of the parcel range from approximately 60 to 120 feet.
3. The *Comprehensive Plan* designates the Hampton Highway/Big Bethel Road intersection as a Limited Business commercial node. The Plan states “Because of the proximity of residential development, the preferred development within this node includes “9 to 5” businesses and offices that do not adversely affect residential development and do not create significant traffic impacts at peak periods.” The Board of Supervisors changed this designation from General Business to Limited Business in the recently approved *Comprehensive Plan* in recognition of potential adverse impacts to residential development surrounding this intersection and to minimize traffic conflicts that could be detrimental to intersection service levels.
4. The property is subject to Zoning Ordinance Section 24.1-245, Greenbelts, which requires an undisturbed 35-foot landscape buffer along Hampton Highway. A proposed approval condition addresses this requirement.
5. Abutting zoning on the northern and eastern sides of the subject property is R20 – Medium density single-family residential. In accordance with Zoning Ordinance Section 24.1-243(b), a 35-foot transitional buffer is required on the applicant’s property where it abuts the R20 district (i.e., along the property boundaries abutting Swain Lane and Big Bethel Road). However, Section 24.1-243(f) states that “Where the zoning district boundary line which requires a transitional buffer follows a public street or highway right-of-way of less than ninety feet (90’) in

width the required transitional buffer may be reduced to one-half ($\frac{1}{2}$) the normally required width, or twenty feet (20), whichever is greater. In such cases the landscaping and design standards for the required transitional buffer yard may be modified to include appropriate trees and shrubs which visually screen all parking, loading, and storage areas, but not the buildings, however in no case shall the planting ratio be less than that required for a Type 25 Buffer.” Under this provision, the property would be eligible for consideration of a reduction on the Big Bethel Road (public street) frontage, but not along the Swain Lane (private road) boundary.

The applicant’s proposed plan indicates “landscape yards” of only 20 feet in the required buffer areas. Although the proposed building is located approximately 50 feet from the northern property border, almost half of the area is allocated for a storm water management facility that cannot be landscaped and the parking lot and dumpster pad encroach into the required 35-foot Transitional Buffer. As noted above, since Swain Lane is not a public street, the reduction opportunity does not apply and the encroachments will have to be eliminated.

On the Big Bethel frontage a reduction to 20 feet could be considered; however, given the proximity of the house across Big Bethel Road, staff does not believe it would be appropriate and a proposed condition (No. 9) stipulates that the full 35-foot Buffer width be required. If, however, the Commission believes that reduction of the Buffer width along Big Bethel Road is acceptable, staff recommends at least that the landscaping ratio be required to meet Type 35 (rather than Type 25) standards.

6. In accordance with Zoning Ordinance Section 24.1-606(j), a minimum of 15 parking spaces would be required for the proposed convenience store use. Plans submitted by the applicant comply with these minimum standards.
7. Access to the site would be via a full-access driveway on Big Bethel Road and a right-in/right-out driveway on Route 134 (Hampton Highway). Staff has concerns, which are shared by the Virginia Department of Transportation (VDOT), about the proximity of the proposed Route 134 entrance to the intersection of Route 134 and Big Bethel Road, which is one of the County’s top ten high-crash intersections, with 43 crashes between 1999 and 2003 (the last year for which crash data is available). The Hampton Roads Regional Safety Study, prepared by the Hampton Roads Planning District Commission in May 2003, identified this intersection as having the third highest crash rate (crashes per million entering vehicles) among major non-Interstate intersections in the County during the study period (1998-2000). The study also found that this intersection had the seventh highest “EPDO Crash Rate,” which is a measure of the number of crashes per million entering vehicles that also accounts for the severity of each crash by applying higher weights to fatal and injury crashes than to crashes that involve property damage only.

In particular, staff is concerned about the potential for conflicts between vehicles accelerating to merge from Big Bethel Road into the westbound through lanes of

Route 134 and those decelerating to turn into the 7-Eleven from Route 134 (similar to the dangerous situation that existed at the former Exxon station on the corner of Route 17 and Route 105). The distance between the intersection and the proposed driveway is approximately 123 feet, which would almost meet the minimum standard for a 30-mph highway; however, the posted speed limit on Hampton Highway is 55 mph, which raises the minimum standard to 275 feet or more, and this intersection's crash history indicates that even the minimum standard might be too low. VDOT has indicated that a 150-foot full right turn lane with a 150-foot taper on Route 134 would be needed for the proposed driveway (see attached correspondence dated February 17, 2006). The VDOT requirement cannot be met because the small size of the site precludes construction of a driveway any further from the intersection; this suggests that a physically constrained location such as this is not an appropriate location for such a high trip generator (4,341 weekday trips, 138 in the AM peak hour and 154 in the PM peak hour).

Safety and traffic flow will no doubt be improved by a programmed VDOT project to add turn lanes to Big Bethel Road both at this intersection and at Victory Boulevard (Route 171); however, these improvements will not address or alleviate the spacing issue noted above. Staff is concerned that the benefits of this \$2.4 million project to the driving public (i.e., to improve its capacity and to relieve congestion on the Big Bethel Road approaches) would be reduced by the proposed development.

Staff is also concerned about the proximity of the Big Bethel Road entrance to the Route 134 intersection. Although the estimated number of left turns into the site from Big Bethel Road is, according to the applicant's traffic impact analysis, relatively low (12 in the AM peak hour and 9 in the PM peak hour), traffic volumes on this two-lane major collector road are such that the delays caused by just one or two northbound vehicles waiting to turn left during the peak hour can cause serious downstream problems. Without adequate corner clearance (i.e., the distance between the private access drive and the nearest cross-road or driveway intersection), traffic queues could potentially extend into the intersection (in this case, Big Bethel Road and Route 134) and seriously interfere with traffic movement on Route 134. With approximately 250 feet between the entrance and the intersection, staff does not believe that the corner clearance is sufficient. Again, the physical constraints of the site limit its viability for a high trip generator such as a convenience store with gas pumps. If, however, a decision is made to support this use, staff believes the situation would be improved with a requirement that the Big Bethel entrance be constructed as a right-in/right-out design (i.e., to prevent left-turn movements from the northbound lane of Big Bethel Road).

RECOMMENDATION

It is staff's opinion that the proposed use is not in conformance with *Comprehensive Plan* recommendations as a use that would be a "9 to 5" business or office that does not adversely affect abutting residential development and does not create significant traffic impacts at peak periods. With the exception of the existing Exxon gasoline station across the Hampton Highway/Big Bethel Road intersection (which was constructed long before the current Special Use Permit requirements were adopted), surrounding uses are residential. The proposed use would not be compatible with these uses. As previously stated, the Board of Supervisors designated this intersection for Limited Business development in the updated *Comprehensive Plan* to preclude adverse impacts from more intensive commercial uses such as is proposed with this application. As noted previously, the site frontage on Route 134 is not sufficient to meet VDOT standards for the required right-turn lane and, even it were, the high traffic generating characteristics of this type of use would likely have an adverse impact on the functioning and safety of the Big Bethel Road/Route 134 intersection. Therefore, based on the considerations outlined above, Staff recommends that the Commission forward Application No. UP-678-05 to the Board of Supervisors with a recommendation of denial. This can be accomplished by denial of proposed Resolution No. PC06-03. However, should the Commission wish to recommend approval, Staff have proposed approval conditions in the Resolution for consideration.

AMP

Attachments:

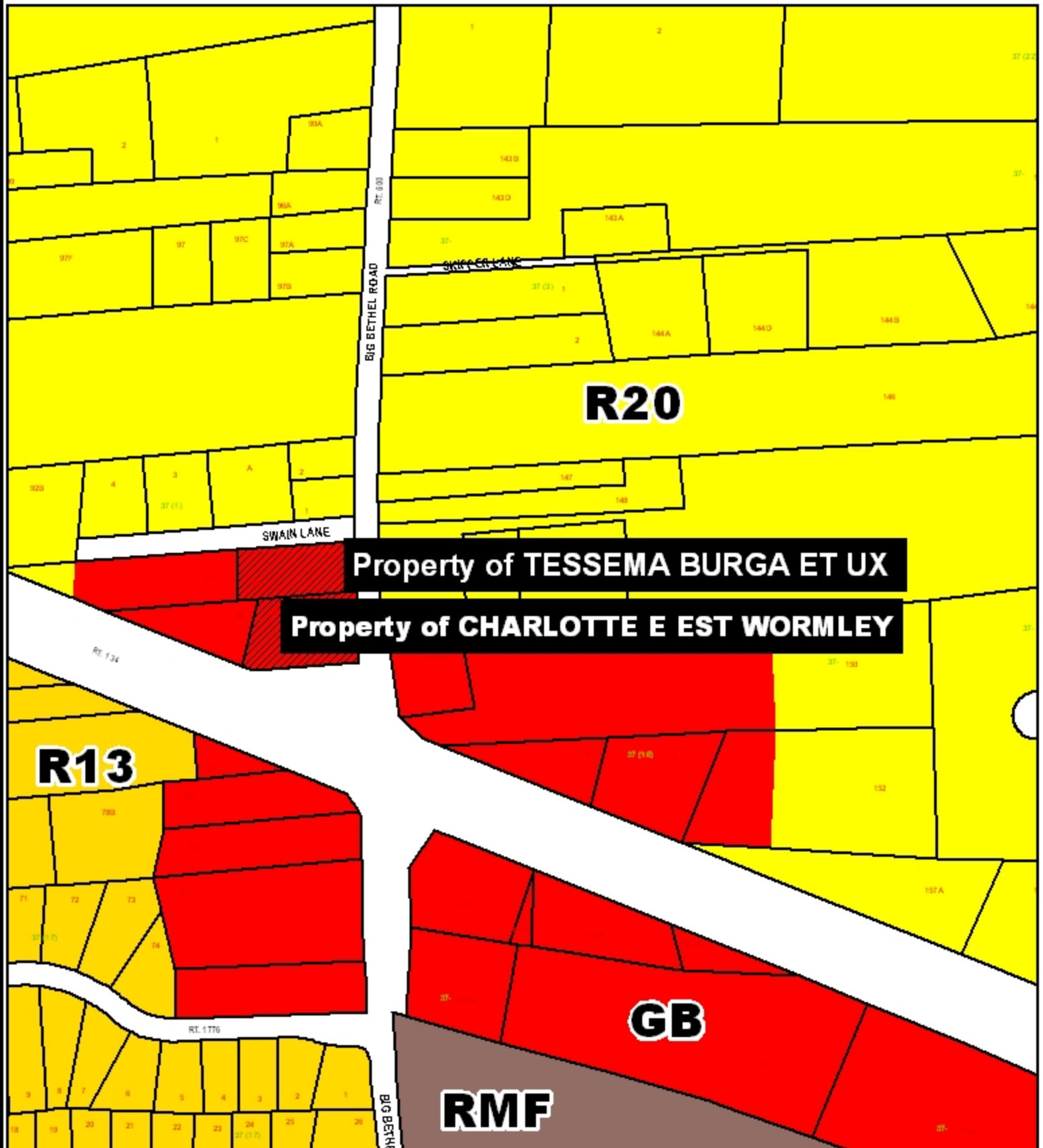
- Zoning Map
- Applicant's conceptual plan
- Applicant's building and signage elevations
- Correspondence from VDOT dated February 17, 2006
- Proposed Resolution No. PC06-3

APPLICANT
7-eleven, Inc.

Special Use Permit for convenience store with gasoline pumps
U02a-1480-4138, U02a-1496-4009

ZONING MAP

APPLICATION NUMBER: UP-677-05



★ = Conditional Zoning

0 300 600
Feet

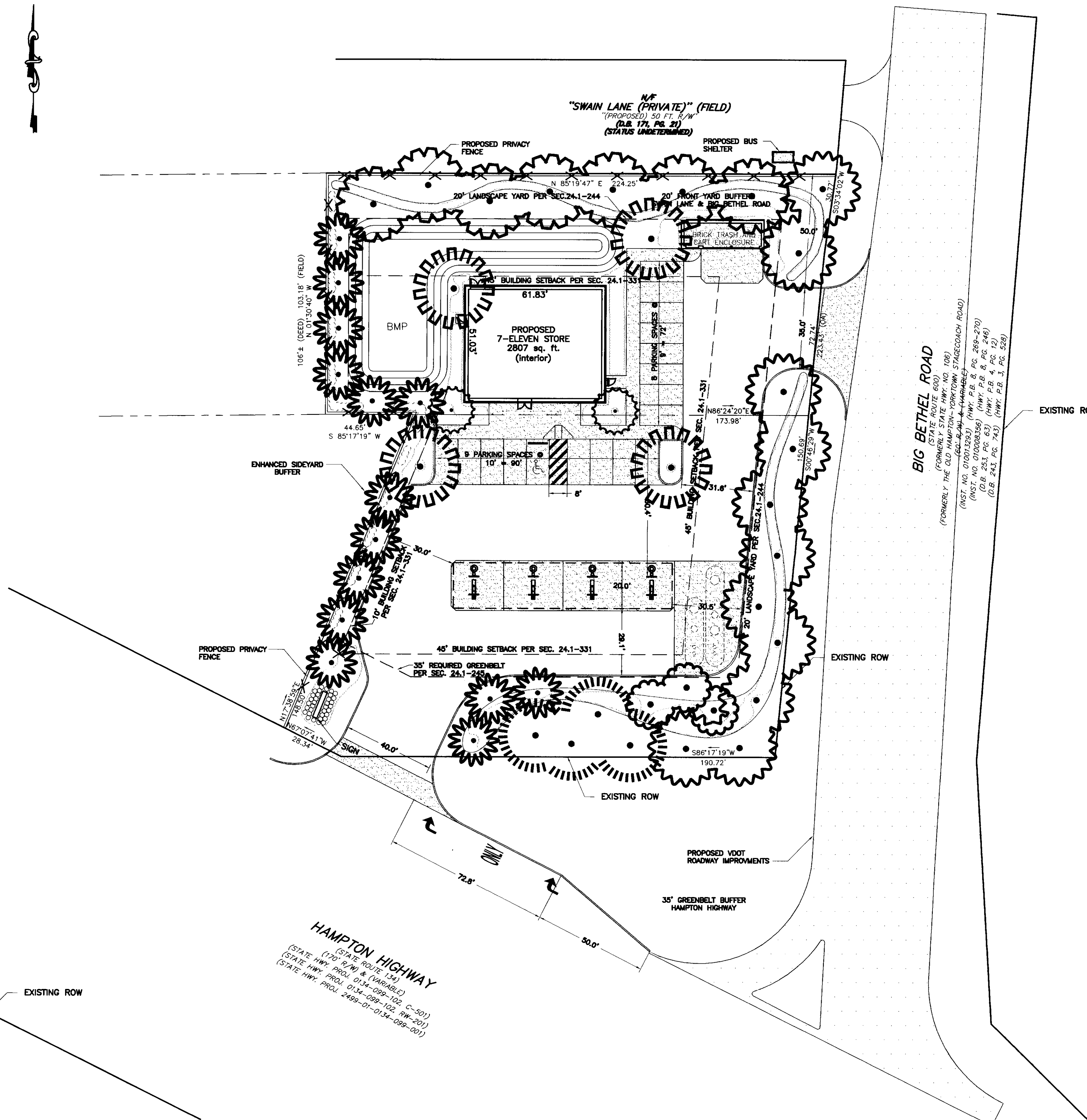
Printed on March 28, 2006



SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
informational purposes only. It is
not suitable for detailed site planning.

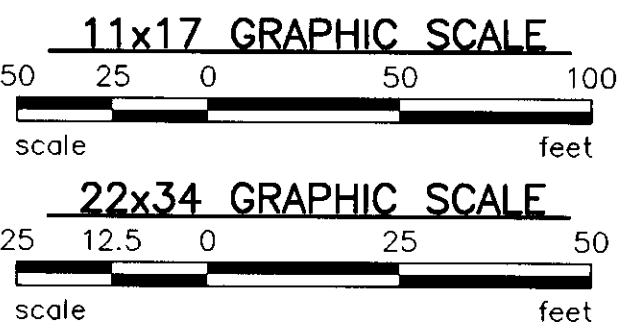
FILE NAME: P:\7-Eleven South-Hampton-Big-Bethel\000\Sup\Big Bethel Preliminary Site Plan.dwg LAYOUT NAME: Concept B - SUP Prelim Site PLOTTED: Thursday, March 16, 2006 - 3:27pm



SITE DATA AND TABULATIONS	
OWNERS:	ERNESTINE D. YANCEY AND CATHERINE E. GRAY 2117 HAMPTON HWY. YORKTOWN, VA 23693
DEVELOPER:	TESSEMA AND SHIRLEY J. BERGA 3215 BIG BETHEL ROAD YORKTOWN, VA 23693
DESIGNER/ APPLICANT:	7-ELEVEN, INC. 5300 SHAWNEE ROAD ALEXANDRIA, VIRGINIA 22312 PH # 703-642-0711
LOCATION:	BLAKEMAN CORPORATION 770 INDEPENDENCE CIRCLE, SUITE 100 VIRGINIA BEACH, VIRGINIA 23455 PH # 757-268-0081
CURRENT ZONING:	GB
ADJACENT ZONING:	NORTH - N/A WEST - GB/R-20 EAST - N/A SOUTH - N/A
EXISTING LAND USE:	THE AFFECTED PROPERTY CURRENTLY CONSISTS OF TWO SEPARATE RESIDENTIAL DEVELOPMENTS.
PROPOSED LAND USE:	THE SITE IS PROPOSED AS A 7-ELEVEN CONVENIENCE STORE WITH GAS STATION (SALES ONLY).
BUILDING HEIGHT:	23 FEET (1 STORY BUILDING)
EXISTING SITE AREA:	52,496.11± SQ. FT. 1.21± ACRES
REQUIRED SETBACKS:	
FRONT:	45'
RIGHT SIDE:	10'
STREET SIDE:	45'
REAR:	45'
CANOPY:	45'
PARKING:	
LOADING SPACES	1 REQUIRED
LOADING SPACES	1 PROVIDED
HANDICAP SPACES	1 REQUIRED
HANDICAP SPACES	1 PROVIDED
PARKING SPACES	14 REQUIRED
PARKING SPACES	17 PROVIDED

GENERAL NOTES:

1. THE SITE IS DESIGNED PER GB ZONING REQUIREMENTS OF THE COUNTY OF YORK ZONING ORDINANCE.
2. THE PROPERTY INFORMATION WAS PROVIDED BY ATLANTIC COMMERCIAL, CITY PLATS AND VDOT CONSTRUCTION PLANS. LOCATION OF PROPOSED PROPERTY LINES IS APPROXIMATE.
3. THE COUNTY OF YORK STATES A PUMPSTATION WILL BE REQUIRED FOR A SANITARY SEWER CONNECTION. THE COUNTY ALSO STATED THERE IS WATER AVAILABLE TO THIS SITE FROM BIG BETHEL ROAD WHICH IS OPERATED BY THE CITY OF NEWPORT NEWS WATER WORKS.
4. THE COUNTY OF YORK INDICATED A TRAFFIC STUDY MAY BE REQUIRED.
5. PER CONVERSATIONS WITH THE COUNTY OF YORK, A STORM WATER DETENTION POND WILL BE REQUIRED FOR PRE TO POST DEVELOPMENT GUIDELINES.
6. PER THE COUNTY OF YORK ZONING ORDINANCE, A LANDSCAPED OPEN SPACE STRIP A MINIMUM OF TEN FEET (10') IN WIDTH SHALL BE PROVIDED ADJACENT TO AND SURROUNDING ALL BUILDINGS. IN NO CASE SHALL OFF-STREET PARKING BE LOCATED WITHIN TEN FEET (10') OF ANY BUILDING ON THE SITE.
7. THE PROPERTY IS LOCATED IN A LOW LYING AREA WHICH INDICATES DRAINAGE ISSUES WITH THE PROPOSED STORM WATER DETENTION POND.
8. AS PER COUNTY OF YORK ZONING ORDINANCE, NO AREA WITHIN THE GREENBELT SHALL BE DISTURBED. PRIOR TO SITE PLAN APPROVAL A SURVEY SHOWING ALL EXISTING TREES SHALL BE SUBMITTED.



Blakeway Corp
Planning | Engineering | Project Management
770 INDEPENDENCE CIRCLE, SUITE 100
VIRGINIA BEACH, VIRGINIA
TEL 757-226-0081
FAX 757-226-8765

7-ELEVEN CORPORATION
CONVENIENCE STORE W/GAS

PRELIMINARY SITE PLAN

HAMPTON HIGHWAY & BIG BETHEL RD
YORKTOWN, VIRGINIA

PROJECT REVISIONS	DATE
REVISED PER COUNTY COMMENT	03-01-06

ISSUE DATE:
3-JAN-06

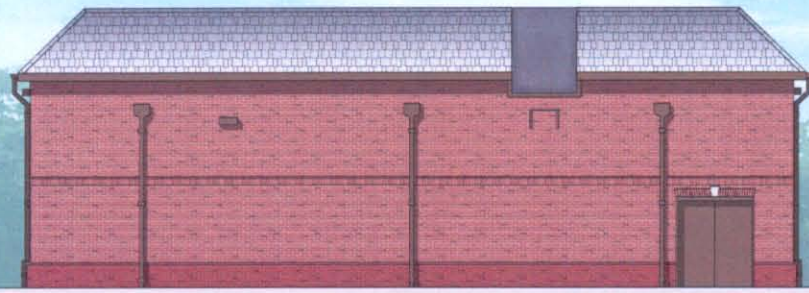
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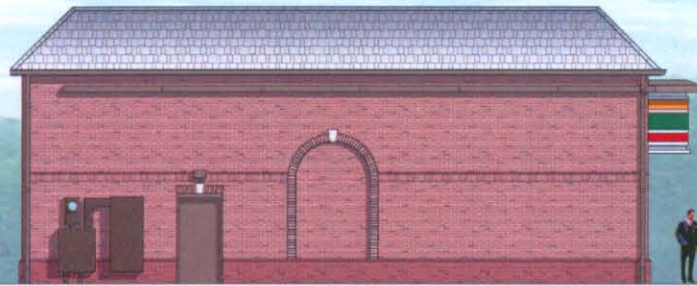
YORK COUNTY
PLANNING DIVISION



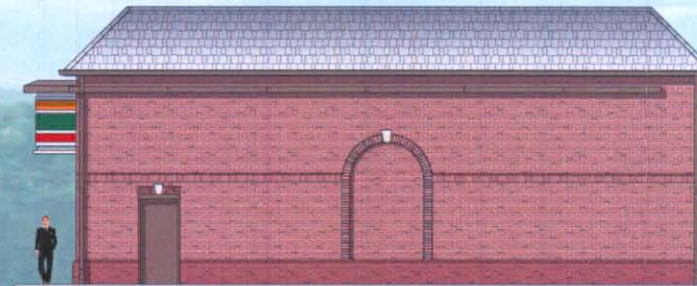
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F R O N T E L E V A T I O N



L E F T E L E V A T I O N



R I G H T E L E V A T I O N



S I D E C A N O P Y E L E V A T I O N



F R O N T C A N O P Y E L E V A T I O N

URS

4 North Park Drive, Suite 300
Hunt Valley, Maryland 21030 (410) 785-7220

MATERIAL SELECTION	COLOR
BRICK	LAURELTON RED
BRICK WATERTABLE	RICHMOND RED
ROOFING	GRAY SHINGLES
GUTTERS & DOWNSPOTS	BRONZE
METAL CAP FLASHING	GRAY

HAMPTON HIGHWAY & BIG BETHEL RD.
YORKTOWN , VIRGINIA

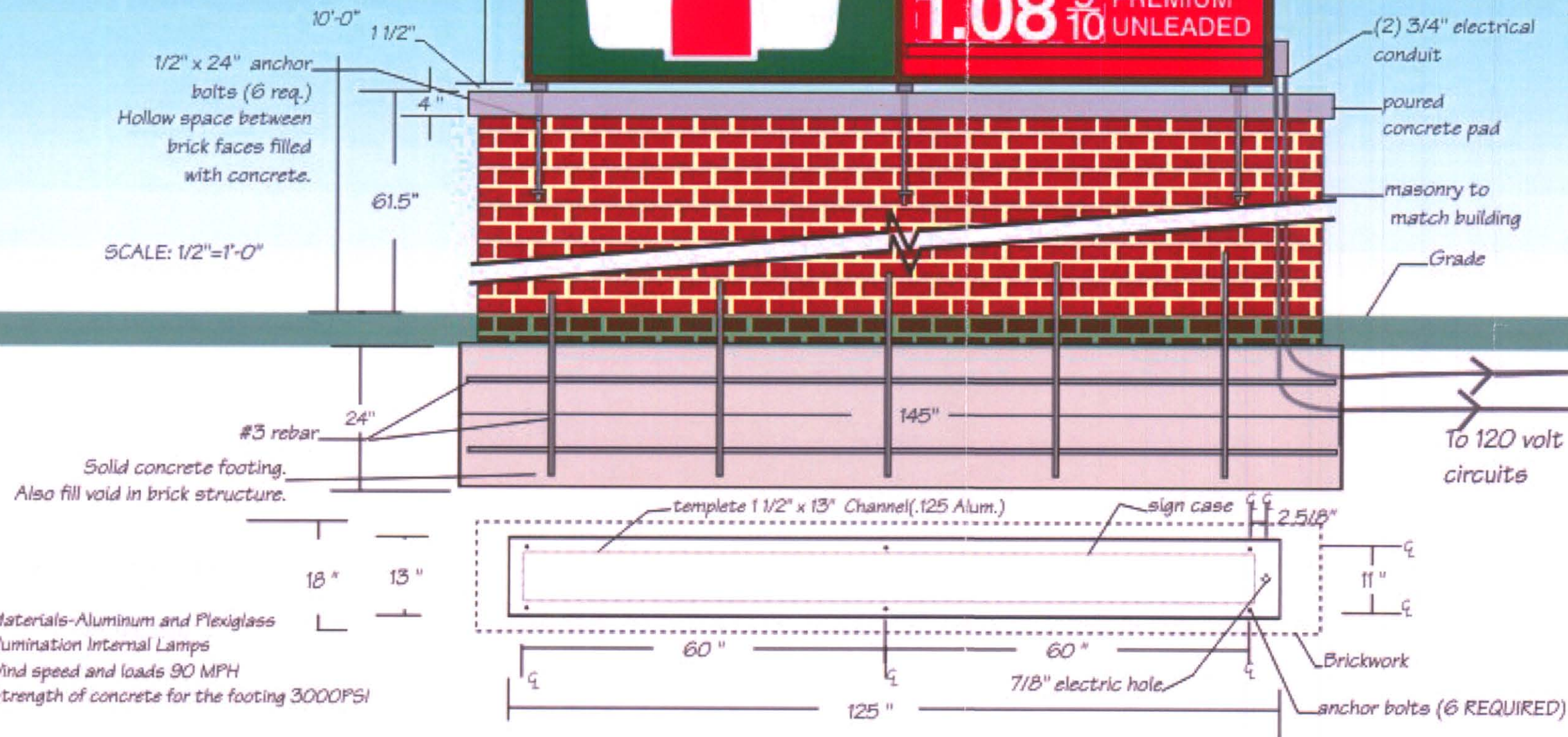


7-ELEVEN INC.
Jan 5, 2006

10 FT. 25/25
50 sq. ft.

NOTE:
TWO CIRCUITS REQUIRED
ONE 15 AMP AND
ONE 20 AMP 120 V
CIRCUIT

7/11 SIGN CLOSE TO ROAD



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SIGNS, INC.**

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FORWARDED PROHIBITED
Coresign 7-11/25_2

RECEIVED

JUN 30 2005

PLANNING DIVISION
COUNTY OF YORK



COMMONWEALTH of VIRGINIA

GREGORY A. WHIRLEY
ACTING COMMISSIONER

DEPARTMENT OF TRANSPORTATION
1700 NORTH MAIN STREET
SUFFOLK, VA 23434

February 17, 2006

Amy Parker
Planning Division
County of York
Post Office Box 532
Yorktown, Virginia 23690

Ref: 7-11, Inc.
Application No. UP-677-05
Hampton Hwy (Rt. 134) and Big Bethel Rd (Rt. 600), York County

Dear Ms. Parker:

We have reviewed the above mentioned special use request and associated conceptual plans offer the following comments:


- ◆ We have not received a revised traffic impact study since the previous submission, and it appears that the site layout has not changed significantly with regards to the entrances; therefore all of the comments from our August 2, 2005 letter still apply. These comments are restated for your reference:
 - We concur with the trip generations as stated in the study.
 - We do not concur with the trip distributions as stated in the study. Seventy percent of the traffic was assigned to the access on Hampton Highway (Route 134); considering current traffic trends this does not seem appropriate.
 - We do not concur with the capacity analysis performed for this site. Although the technical aspects of the report would be correct for an isolated intersection, it did not adequately account for existing conditions. The existing signal is part of a coordinated system along Hampton Highway (Route 134), and when appropriate timings are applied the signal does not perform well.

7-11, Inc.
February 17, 2006
Page Two

- We concur with the recommendation to install a 150' full right-turn lane with a 150' taper on Hampton Highway (Route 134) at the site access. There is not adequate corner clearance to accommodate this improvement. We recommend that some form of agreement be pursued with the adjacent property owner so that additional corner clearance can be obtained. Lack of corner clearance will interfere with certain operational aspects of the intersection.
- The right-in/right-out access located on Hampton Highway (Route 134) should include an appropriate raised channelized island.
- Construction site plans will need to be submitted for review. These plans will need to include but not be limited to entire intersection geometrics, corner radii, sight distances, existing right of way and any dedication of right of way, traffic signal equipment, pavement markings, traffic control etc.
- ◆ Provide on the plans the appropriate graphic scale for the full sized plan sheet (25 scale).

Should you have any questions please contact me at (757) 253-4832.

Sincerely,



Bradley A. Weidenhammer, EIT
Transportation Engineer

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2006:

Present

Vote

Alfred E. Ptasznik, Jr., Chair
Nicholas F. Barba, Vice Chair
Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Anne C. H. Conner
John R. Davis

On motion of ____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A CONVENIENCE STORE WITH
GASOLINE PUMPS ON PROPRTY LOCATED AT 3215 BIG BETHEL
ROAD AND 2117 HAMPTON HIGHWAY

WHEREAS, 7-Eleven, Incorporated has submitted Application No. UP-677-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2), of the York County Zoning Ordinance to authorize a 2,807-square foot convenience store with an 8-station gasoline pump facility on property located at 3215 Big Bethel Road (Route 600) and 2117 Hampton Highway (Route 134) and further identified as Assessor's Parcel Nos. 37-81 (Hampton Highway) and 37-90 (Big Bethel Road); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of ____, 2006 that Application No. UP-677-05 be, and

it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a 2,807-square foot convenience store with an 8-station gasoline pump facility on property located at 3215 Big Bethel Road (Route 600) and 2117 Hampton Highway (Route 134) and further identified as Assessor's Parcel Nos. 37-81 (Hampton Highway) and 37-90 (Big Bethel Road) (GPIN Nos. U02a-1480-4138 and U02a-1496-4009); subject to the following conditions:

1. This use permit shall authorize a 2,807-square foot convenience store with an 8-station gasoline pump facility on property located at 3215 Big Bethel Road (Route 600) and 2117 Hampton Highway (Route 134) and further identified as Assessor's Parcel Nos. 37-81 (Hampton Highway) and 37-90 (Big Bethel Road).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said plan shall be in substantial conformance with the plan titled "7-Eleven Corporation, Convenience Store w/Gas, Preliminary Concept Plan," prepared by Blakeway Corp, dated January 3, 2006, revised March 16, 2006 and received by the Planning Division March 17, 2006.
3. Except as modified herein, building elevation plans shall be in substantial conformance with the plan titled, "7-Eleven Inc., prepared by URS, dated January 5, 2006, and received by the Planning Division on February 1, 2006. Freestanding signage shall be in substantial conformance with the sign plan prepared by Dowling Signs, Inc. and received by the Planning Division on June 30, 2005.
4. Freestanding identification signage shall be limited to a single monument sign, and fascia used on the base of the sign shall match that of the building façade.
5. All site lighting shall be designed with shielded, full cutoff fixtures and directed downward at a 90-degree angle to the ground to prevent off-site glare on to abutting properties and the road right-of-way. Illumination levels shall not exceed 0.5 foot-candle at the south and east property lines, and shall not exceed 0.1 foot-candle at the north and west property lines. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A photometric plan detailing all proposed fixtures and ground illumination levels shall be submitted for approval by Environmental and Development Services at time of application for site plan approval.
6. All parking spaces shall be located a minimum of ten (10) feet from the face of the building.

7. In accordance with Section 24.1-245, there shall be no disturbance of the 35-foot greenbelt buffer along Hampton Highway.
8. The gasoline pump island canopy shall not contain signage or logos of any kind, and colors shall be limited to a single solid color.
9. The Transitional Buffer along the eastern side of the site (adjacent to Big Bethel Road) shall be 35 feet in width and shall meet full planting standards of Zoning Ordinance Section 24.1-243(2) (i.e., Type 35 standards).
10. The Transitional Buffer along the northern property line shall be 35 feet in width and the site design shall be modified to remove the encroachment by the proposed parking lot and dumpster pad and the proposed BMP.
11. Landscaping along the western and northern borders shall consist of 100% evergreen trees and shrubs meeting planting credits equivalent to a 35-foot buffer in accordance with Zoning Ordinance Section 24.1-242(1). Said landscaping shall be supplemented with opaque fencing at least six (6) feet high installed along the inside border of the Transitional Buffer or landscape yard and constructed of materials meeting the approval of the Zoning Administrator.
12. Rooftop HVAC, electrical and similar utilities shall be screened from view of adjacent properties and road rights-of-way.
13. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, prior to application for site plan approval, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.